

EXHIBIT BB

RESOLUTION NO. 20231019-045

WHEREAS, the great State of Texas is our beloved home and its continued prosperity is increasingly threatened by the unpredictable and extreme weather events wrought by climate change; and

WHEREAS, Texas 2036, a nonpartisan nonprofit focused on the future of Texas, found in an August 2023 poll that 78 percent of Texas voters believe the Texas climate has changed in the last 10 years, with 41 percent believing it has changed dramatically, a nine-percentage point increase from just two years earlier; and

WHEREAS, the Texas 2036 poll in August 2023 also found that 87 percent of Texas voters are concerned that weather-related events in Texas such as wildfires, floods, droughts, and hurricanes may increase what they pay for property insurance; and

WHEREAS, the January 2015 Capital Area Metropolitan Planning Organization (“CAMPO”) Central Texas Extreme Weather and Climate Vulnerability Assessment of Regional Transportation Infrastructure study generated a regional climate model to reflect potential future climate conditions for the greater Austin area and projected that, by 2040, average annual temperatures for Central Texas would rise about 2.7 degrees Fahrenheit, the average annual number of days at or exceeding 100 degrees Fahrenheit (extreme heat) would increase by 34 days, drought conditions would increase with three fewer days of rain annually, wildfire risk would rise with a four percent decrease in summer soil moisture, and extreme precipitation events, such as flooding, would become 20 percent more intense; and

WHEREAS, in the nearly nine years since that CAMPO study, Central Texas has indeed been experiencing more intense and more frequent extreme heat, drought, wildfires, flooding, and, unexpectedly, extreme snow, ice, and hail events; and

WHEREAS, because of these extreme weather events, Central Texans have lost their homes, their businesses, and tragically even their lives; and

WHEREAS, the Texas Department of Transportation (“TxDOT”) released its Final Environmental Impact Statement and Record of Decision (“FEIS/ROD”) for the I-35 Capital Express Central (“I-35 Central”) project on August 21, 2023; and

WHEREAS, Appendix V of the I-35 Central FEIS/ROD explains that extreme weather is being caused by climate change, climate change is caused by greenhouse gas (“GHG”) emissions, and GHG emissions are predominantly coming from the transportation sector; and

WHEREAS, Appendix V states that the proposed I-35 Central project would increase GHG emissions by more than 50,000 metric tons of carbon dioxide equivalent per year for the 20-year project lifecycle; and

WHEREAS, Appendix V shows that TxDOT intends to add 184 new lane-miles in the proposed I-35 Central project, more than doubling the existing 115 lane-miles (Appendix V, pp 119, 132), but also asserts that I-35 Central, as proposed, would only increase annual Vehicle-Miles Traveled (“VMT”) by 1.7 percent more than if the project were not built (Appendix V, p. 48); and

WHEREAS, using Federal Highway Administration data, the Brookings Institute has demonstrated that higher capacity roadways have higher ratios of VMT to lane-miles, and therefore an increase in lane-miles should be expected to

multiplicatively increase VMT; and

WHEREAS, Appendix V shows that projected VMT is the primary input in TxDOT's model to calculate the future GHG emissions from vehicle operations (Appendix V, p. 138), and therefore if the projected VMT for I-35 Central were underestimated, the future GHG emissions of the proposed project would be too; and

WHEREAS, Appendix V nevertheless asserts "implementation of the proposed project has a potential to reduce transportation related GHG emissions especially if there is a greater mode shift to transit and active transportation"; and

WHEREAS, the I-35 Central project does propose to add transit-supportive managed lanes and shared-use paths for active transportation, but it overall fails to sufficiently prioritize mode shift (and therefore reduction in GHG emissions) due to design issues that include:

- A typical cross-section that dedicates roadway width to single-occupant cars and trucks that is five times the space for managed lanes and 11 times the space for shared-use paths for cyclists and pedestrians;
- Lack of dedicated lanes for bus rapid transit, opting instead for managed lanes that are shared with general traffic;
- Frontage roads that require eastbound and westbound cyclists and pedestrians to cross up to nine lanes of traffic at a time;
- The natural design speeds of six to nine lane frontage roads;
- The distance between direct east and west crossings for cyclists and pedestrians;
- The distance between east and west crossings for cyclists and pedestrians that do not require crossing traffic lanes;

- The number and density of driveway curb cuts through the north and southbound shared-use path;
- Lack of room for street trees between the shared-use paths and the frontage roads;
- Incomplete shared-use path connectivity into the adjacent street network; and

WHEREAS, the proposed I-35 Central project documented in the FEIS/ROD reflects appreciated improvements but does not sufficiently address all the concerns and requests Council previously submitted to TxDOT in Resolution No. 20230223-044; and

WHEREAS, City of Austin taxpayers, Austin Energy ratepayers, and Austin City Council are doing their part to invest in the reduction of transportation-related GHGs through a dedicated tax to build and operate the Project Connect high-capacity transit system, approval of \$460,000,000 in Active Transportation Bonds in November 2020, electrification of the City vehicle fleet, a rebate program for electric vehicle home charging station installation, expansion of electric bike rebates, rooftop solar incentives and credits for both residential and commercial properties, transitioning Austin Energy to carbon-free energy generation resources, planning for transit-oriented development, and more, all in the larger context of a climate emergency declared in Resolution No. 20190808-078 and the implementation of the Austin Climate Equity Plan; and

WHEREAS, CAMPO is currently developing a Regional Mobile Emission Reduction Plan, funded by the Federal Highway Administration's Carbon Reduction Program ("FHWA CRP," established by the Bipartisan Infrastructure Law), to serve as a tailored regional carbon reduction strategy for reducing

transportation-related GHG emissions and as a guide for the investment of additional FHWA CRP funding into projects and strategies; and

WHEREAS, development of the CAMPO Regional Mobile Emission Reduction Plan is expected to take 12 to 18 months from kick-off and adhere to the CAMPO Public Participation Plan; and

WHEREAS, the City of Austin – in partnership with CAMPO, the Capital Area Council of Governments, the Counties of Travis, Hays, and Bastrop, and the Cities of Buda, Cedar Park, Kyle, Lakeway, Pflugerville, Round Rock, and San Marcos – is currently developing an Austin Metropolitan Statistical Area (“MSA”) Climate Plan, funded by the U.S. Environmental Protection Agency’s Climate Pollution Reduction Grant (“EPA CPRG,” established by the Inflation Reduction Act) to serve as a regional priority climate action plan for reducing GHG emissions in six key sectors, including transportation, and as a necessary first-step to become eligible for \$4,300,000,000 in competitive CPRG implementation grants to be awarded in 2024; and

WHEREAS, development of the Austin MSA Climate Plan must be complete by March 1, 2024, applications for CPRG implementation grants must be submitted by April 1, 2024, and implementation grants will be selected in July 2024 and awarded in October 2024; and

WHEREAS, the CAMPO Regional Mobile Emission Reduction Plan and the Austin MSA Climate Plan are two active, regional planning initiatives that will recommend critical, community-driven strategies to reduce transportation-related GHG emissions, will be completed quickly, and will unlock potentially millions of federal dollars for implementation projects; **NOW, THEREFORE**,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

City Council finds the projected increase in GHG emissions from the TxDOT I-35 Capital Express Central project, as proposed in the Final Environmental Impact Statement and Record of Decision, to be unacceptable and out of step when the Central Texas region is pulling together to reduce those emissions and protect our future.

BE IT FURTHER RESOLVED:

City Council believes reconstruction of I-35 is a generational project, and its design should not be finalized until informed by the timely regional GHG-reduction planning initiatives and collaborative consideration can be given to the near-term federal implementation funding opportunities these plans may enable to mitigate the environmental impacts of this highway expansion project.

BE IT FURTHER RESOLVED:

City Council asks TxDOT and the CAMPO Transportation Policy Board (“TPB”) to delay funding for the construction of I-35 Central until after the completion of the CAMPO Regional Mobile Emission Reduction Plan, funded by the FHWA Carbon Reduction Program, and the Austin MSA Climate Plan, funded by the EPA Climate Pollution Reduction Grant, so that TxDOT can incorporate the findings and recommendations of these critical regional planning initiatives, as well as the potential subsequent federal implementation funding opportunities, into the design of the I-35 Central project.

BE IT FURTHER RESOLVED:

City Council asks TxDOT to request that any and all CAMPO actions taken regarding the I-35 Central project comply with CAMPO's process for public hearing and vote by the CAMPO TPB, not by CAMPO administrative amendment, and be fully transparent and held at public CAMPO TPB meetings.

BE IT FURTHER RESOLVED:

City Council asks TxDOT to meet as soon as possible with the City of Austin Office of Sustainability and any other interested Austin MSA Climate Plan partners to collaborate on GHG reduction strategies for the I-35 Central project.

BE IT FURTHER RESOLVED:

City Council asks CAMPO, TxDOT, the Texas Transportation Commission, the Texas State Legislature, and Governor Abbott to prioritize GHG reduction in all transportation funding and planning to slow climate change, curb extreme weather events, protect our communities and neighbors, and ensure Texas has a prosperous future.

ADOPTED: October 19, 2023

ATTEST:

Myrna Rios

Myrna Rios
City Clerk